

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 20 1994

Returned to applicant for correction.....

Corrected application filed..... Map filed SEP 20 1994 under 60488The applicant Kennecott Nevada Copper CompanyP. O. Box 1107 of McGill
Street and No. or P.O. Box No. City or TownNevada 89318 hereby make application for permission to change the
State and Zip Code No.Place of Use
Point of diversion, manner of use, and/or place of useof water heretofore appropriated under Permit No. 42104-South Fork Berry Creek-Certificate
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree andNo. 12175
Identify right in Decree.1. The source of water is South Fork Berry Creek
Name of stream, lake, underground spring or other source.2. The amount of water to be changed 3.0 c.f.s.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.3. The water to be used for Industrial and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.4. The water heretofore permitted for Industrial and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.5. The water is to be diverted at the following point NW 1/4 NW 1/4 Section 23, T.17N., R.65E.,
Describe as being within a 40-acre subdivision of public survey and by course and
M.D.B.&M., or at a point from which the NW corner of Section 31, T.18N.,
distance to a section corner. If on unsurveyed land, it should be stated.
R.65E., M.D.B.&M. bears N. 44°22'13" W., a distance of 31,866.25 feet.6. The existing permitted point of diversion is located within NW 1/4 NW 1/4 Section 23, T.17N., R.65E.,
If point of diversion is not changed, do not answer.
M.D.B.&M., or at a point from which the NW corner of Section 31, T.18N., R.65E.,
M.D.B.&M., bears N. 44°22'13" W., a distance of 31,866.25 feet.7. Proposed place of use See attached sheet.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.8. Existing place of use located within portions of the NE 1/4, SE 1/4, E 1/2 SW 1/4, E 1/2 NW 1/4 of
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
Section 28, and the SE 1/4 of Section 21, T.18N., R.64E., M.D.B.&M.
manner of use of irrigation permit, describe acreage to be removed from irrigation.9. Use will be from January 1st to December 31st of each year.
Month and Day Month and Day10. Use was permitted from January 1st to December 31st of each year.
Month and Day Month and Day11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Sprinkling System
State manner in which water is to be diverted, i.e. diversion structure,

ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works Approximately \$150,00013. Estimated time required to construct works 5 years

14. Estimated time required to complete the application of water to beneficial use..... 5 years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Water will be used for mine reclamation as required by federal and state law.

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By s/Richard E. Fonger
Richard E. Fonger
 #3 Cedar P.O. Box 362
 Ruth, Nevada 89319

Compared..... pm/ jk.....

Protested.....

.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....cubic feet per second.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, I,,
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this.....day of.....,

A.D. 19.....

.....
 State Engineer

WITHDRAWN BY APPLICANT AUG 04 1997

STATE ENGINEER

Permit No. 42104-South Fork Berry Creek-Certificate No. 12175

7. Proposed place of use:

Section 7; $S\frac{1}{2}$ $SW\frac{1}{4}$
Section 17; $S\frac{1}{2}$ $S\frac{1}{2}$, $NW\frac{1}{4}$ $SW\frac{1}{4}$
Section 18; All
Section 19; All
Section 20; All
Section 21; $S\frac{1}{2}$, $S\frac{1}{2}$ $NW\frac{1}{4}$, $NW\frac{1}{4}$ $NW\frac{1}{4}$
Section 28; All
Section 29; All
Section 30; $NE\frac{1}{4}$, $NW\frac{1}{4}$, $SE\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$, $SE\frac{1}{4}$ $SW\frac{1}{4}$
Section 31; $N\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$ $NE\frac{1}{4}$
Section 32; $NW\frac{1}{4}$, $W\frac{1}{2}$ $NE\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$

All in Township 18 North, Range 64 East, Mount Diablo Base and Meridian.

Excepting there from all land inside the Townsite of McGill, Nevada.